

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CAPITOL 7 FUNDING,

Plaintiff,

DECLARATION IN RESPONSE
TO THE COURT'S ORDER TO
SHOW CAUSE

v.

WINGFIELD INVESTMENT CORPORATION,

Civil Action Docket No.
17-CV-2374(RRM)(ST)

Corporate Defendant,

BURGIS SETHNA, A/K/A SETH BURGESS,
HEATH WAGENHEIM, JOSEPH RABITO AND
DAMIAN LALJIE AND JOHN DOES 1
THROUGH 15,

Individual Defendants.

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Daniel L. Bibb, Esq., hereby declares under penalties of perjury pursuant to 28 USC §
1746 that the following is true and correct:

1. I am an attorney duly licensed to practice law in this Court and am the attorney of
record for defendants Joseph Rabito and Damian Laljie (hereinafter referred to as Rabito and
Laljie).

2. As such, I am presently familiar with the facts and circumstances of this case and its
procedural history.

3. This Declaration is submitted in opposition to plaintiff's motion to strike defendants' motion to strike the Declaration and Affidavits submitted in opposition to defendants' motion to vacate the Certificates of Default and in support of plaintiff's motion for a default judgment.

4. As set forth in my Declaration in support of defendants' motion to vacate the Certificates of Default, I have experienced an unprecedented series of medical issues over the past 18 months. And they have continued. From March 11, 2021 through the end of April, I have been recovering from radical prostatectomy cancer surgery and post-surgery treatment. While admittedly not completely debilitating, the surgery and subsequent treatment affected my ability to function normally on a day to day basis.

5. I am sure plaintiff's counsel, as he has in the past, will downplay my medical issues, of course, until such time that he may have them himself.

Dated: May 10, 2021
Saddle River, New Jersey

Respectfully Submitted,

s/ Daniel L. Bibb

Daniel L. Bibb, Esq.
Attorney for Joseph Rabito and Damien Laljie